

# The Newberry Herald.

TERMS—\$1.50 FOR SIX MONTHS, IN ADVANCE.

Devoted to the Dissemination of Useful Intelligence.

Editors T. F. GRENEKER, R. H. GRENEKER.

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## THE HERALD

IS PUBLISHED EVERY WEDNESDAY,

At Newberry, S. C.,

By T. F. GRENEKER,

Proprietor and Proprietors.

TERMS, \$1.50 FOR SIX MONTHS, EITHER IN CURRENCY OR IN PROVISIONS.

(Payment required invariably in advance.)

Advertisements inserted at \$1.50 per square, for first insertion, \$1 for each subsequent insertion.

Marriage notices, funeral invitations, obituaries, and communications of personal interest charged as advertisements.

### The World for Sale.

From an old Manuscript.

The world for sale! hang out the sign;  
Call every traveller here to me;  
Who'll buy this brave estate of mine,  
And set my weary spirit free?

It's going!—yes, I mean to fling  
The bauble from my soul away;  
I'll sell it whomever it brings—  
The world's a nuisance here to-day.

It is a glorious thing to me,  
Ah, it has cheated me so sore;  
It is not what it seems to be,  
For sale! it shall be mine no more.

Come turn it o'er and view it well,  
I would not have you purchase dear;  
It's going—going—I must sell,  
Who bids will buy the splendid tear!

Here's Wealth, in glittering beads of gold,  
Who bids? but let me tell you fair,  
A baser lot was never sold,  
Who'll buy the heavy beads of care?

And here spread out in broad domain  
A goodly landscape all may trace;  
Hill, cottage, tree, field, hill and plain,  
Who'll buy himself a burial place?

Here's Love—the dreamy, potent spell  
That beauty drings around the heart;  
I know it's power, ah! too well—  
It's going—oh, and I must part!

Must part! what can I more with love?  
All o'er the eucharist's reign;  
Who'll buy the plumose, dying dove?  
A breath of bliss, a storm of pain!

And friendship—rarest gem of earth,  
Who'er hath found the giver his,  
Fruit, false, broken and but little worth—  
Who bids for friendship as it is?

'Tis going—going—hear the call!  
Once, twice, thrice—let's ring it—  
'Twas once my hope, my star, my all,  
But now the broken staff must go!

Fame! hold thy brilliant meteor high,  
Ye millions! now the time ye buy;  
How dazzling every child of mine,  
How much for fame? how much for mine?

Hear how it thunders! would you stand  
On high Olympus, far renowned?  
Now purchase, and a world command!  
And then be with its envy crowd!

Sweet star of hope, with ray to shine  
In every heart, and healing breast,  
Save this desponding one of mine—  
Who bids for man's last friend and best.

Ah, were not mine a bankrupt life,  
This treasure should my soul sustain;  
But hope and I are now at strife,  
For ever may unite again.

Ambition, ambition, show and pride,  
I part from all forever now;  
Grief in an overwhelming tide  
Has taught my naughty heart to bow.

Oh death's stern shaft of all bereft,  
I weep, yet humbly kiss the rod;  
The best of all I still have left,  
My faith, my Bible, and my God.

### Acts of the General Assembly.

AN ACT TO PROVIDE A MODE BY WHICH TO PERPETRATE TESTIMONY IN RELATION TO DEEDS, WILLS, CHOSES IN ACTION, OTHER PAPERS, AND RECORDS DESTROYED OR LOST DURING THE RECENT WAR.

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That whenever, hereinafter, in any suit which shall be pending in any Court of this State, it shall be necessary for the maintenance of the action or defence, that proof shall be adduced of the contents of any document, whether the same be a deed, will, chose in action or other private writing, or a public record, or of any other nature whatever, proper to be proven, and it shall be proven, (by the affidavit of the party, in case he be unable otherwise to make the proof,) that such document was in existence and in the possession of any person during the recent war, and cannot now be found, it shall be presumed that such document was destroyed or lost by reason of the existence of the war, and if such presumption shall not be rebutted to the satisfaction of the Court, the party needing the proof of the contents of such document shall, without further proof of loss, be at liberty to introduce secondary evidence of such contents, and for this purpose recitals in other deeds or writings, proven or acknowledged to be genuine, whether between the same parties or not, and statements in the record of any suit in any of the Courts, produced from the proper custody, or in the printed volumes of State reports, published by authority of the General Assembly, although such statements be in cases not between the parties to the suit in which the evidence offered, or those under whom they claim, shall be admissible for the consideration of the Court or Jury having jurisdiction of the issues of fact: *Provided, however*, That in every such case the party tendering such evidence shall have first made in open Court, or before some Judge of the Superior or Inferior Courts of this State, or some Commissioner residing out of this State, duly qualified to take affidavits to be used in Court, an affidavit that the said document is not in his possession or power to produce, and so far as he knows, is not in existence, and that he verily believes that the same was

in fact destroyed or carried away, or in some other way lost or destroyed, and shall also produce, in open Court an affidavit, made by the person in whose possession the party tendering shall swear such document was when he last knew of it, unless the party tendering was himself the last person in possession, that the same was in fact destroyed or carried away, if he knows it to be so, or if, without positive knowledge, that he believes it to be so, and setting forth the facts and circumstances which induce such belief, if such person is other than the said party in Court tendering the secondary evidence of contents, and is alive and within the State.

II. The plaintiff or plaintiffs, or any of them, in any judgement or decree, the record whereof has been destroyed or abstracted, or lost during the recent war, or his personal representative, or other person claiming under or through him, or any person whatever having interest in the preservation of the evidence of such judgement or decree, may, upon notice of not less than ten days served personally upon the defendant or defendants (if more than one) therein, or those upon whom his, her or their liability thereunder has devolved, or others interested to oppose the application, make application to Court in which such judgement or decree was rendered, for leave to substitute a new record, and if, upon hearing the evidence on each side, the Court is satisfied of the existence and loss of such record, and order for leave to substitute shall be made, ascertaining as near as possible the names of all the original parties and the plaintiff's attorney, the date of the signing of the judgement or bill of the decree, (and if in Equity, an enrolled money decree in Equity, then also the date of the enrollment,) the amount of the recovery, the sum bearing interest, and the date from which interest began to run, the balance actually due, at the date of destruction or abstraction, and the date of the entry of the original process, and also of the last process issued for the execution of such judgement. The Clerk of the Court of Common Pleas, the Register in Equity and the Ordinary in each of the Districts of this State, in which the public records, in the custody of such officer were destroyed or carried away, or in any other way lost, shall, at the expense of the funds in the hands of the Commissioners of Public Building for his District, procure a book or books of proper size, and suitably ruled and secured by proper ties, to be labelled "Abstracts of lost Judgments and Decrees," or "lost Decrees," as the case may be, in which he shall enter an abstract of every such judgement or decree, a new record of which shall be so ordered to be substituted, setting out in distinct and appropriate columns all the particulars hereinbefore required to be ascertained by the order of the Court, and such entry shall, without other or further record, be good and sufficient in law for all purposes for which the original record itself could have been used, and of equal authority therewith in all respects. In any case provided for in this Act, and in the preceding section of this Act, if the plaintiff, or in case of his death, his personal representative, shall make oath, according to the best of his knowledge and belief, that a discovery from the defendant is the only means by which such lost or destroyed record or document can be established, and adduce the record of such record or of the loss or destruction of such record or of other document, he may, if the defendant, or either of them, if more than one, be living, and he within the limits of the State, call upon such defendant to answer, on oath, as to the former existence of such record or other document, and as to its contents, character and description, and also as to the amount due thereon. And in case such defendant, after at least ten days personal notice, (if he be within the District when such proceeding is had, and twenty days notice in case he is not,) shall fail to answer upon oath the interrogatories so propounded, such failure to answer, (unless satisfactorily explained or accounted for,) shall be taken and considered as an admission by such defendant of the truth of the facts stated and set forth in the plaintiff's affidavit: *provided*, That such admission shall only affect the party so failing to answer as aforesaid, and his legal representatives. If such defendant shall deny on oath the former existence of such record or other document, so attempted to be set up, or shall deny on oath that there is anything due thereon to such plaintiff or his legal representative, or shall deny any other material fact alleged in the plaintiff's affidavit, the answer of the defendant, together with the affidavit of the plaintiff, shall be considered as evidence in the case, and shall, with such other testimony as the parties on both sides may offer, be submitted to Court: *Provided*, That no costs shall be taxed against the defendant for the interrogatories which may be propounded to him under the provisions of this Act.

III. That for the purpose of preserving secondary evidence as may now be in existence of the past existence, loss and contents, or any of them, of such documents as have been destroyed or lost during the recent war, the Attorney-General or Solicitor shall, in every District in their respective circuits, file a bill to perpetuate testimony, in which shall be set forth the fact that many documents, such as deeds, wills, choses in action, and other private writings, and also public records and others of any nature whatever, have been lost or destroyed during the recent war, and that the proof of their past existence, loss and contents, rests in the memory of witnesses upon whose death the testimony will be wholly lost. And that such proof may be taken and perpetuated, the bill shall pray that an order may issue permitting all persons entitled by reason of loss of documents under such circumstances, and desiring to do so, to come before the Court and have taken and perpetuated all evidence which they shall produce.

IV. That in the filing of such bill, the Master or Commissioner shall make an order, in conformity with the prayer thereof, which shall be published by being posted on the Court House door and printed in one newspaper, if any such there be in the District, once a week for two months; and if there be no paper published in the District, then in Charleston or Columbia.

V. Upon the filing of such bill, any person or persons interested in preserving the evidence of the contents of any such document, and desiring to do so, may apply by writing, under oath, to the Master or Commissioner for leave so to do, setting forth with reasonable certainty a description of the document of the past existence, loss and contents of which he proposes to offer evidence for preservation, and stating the fact of the destruction or loss, positively, or at least that he verily so believes, and also stating whether or not there are other persons having like or opposite interest with him in the matter to be testified to, and that the interest of such persons is, and if there be any such, the said Master or Commissioner shall issue a subpoena ad respondendum, directed to the said parties, to appear and cross-examine the evidence which may be produced, and to introduce evidence in reply; and if the applicant shall desire a discovery from any party interested, he shall, on making oath, as in bills of discovery, be permitted to send with the subpoena interrogatories, which shall be answered as in bills for discovery. And whether or not there shall appear to be other parties besides the applicant who are interested, the Master or Commissioner shall publish the notice of application for three months in the same manner as now prescribed for notices to absent defendants in Equity, and all parties who may think themselves interested may come in as they had been served with subpoena.

VI. At the expiration of the said three months, the Master or Commissioner shall proceed to take the evidence if the party making application therein asks for leave to have evidence of the true location of one or more tracts of land taken for preservation, the Master or Commissioner shall have authority to issue a rule of survey to a Deputy Surveyor, to be selected by himself for that purpose, to whom all the facts and other evidence of location shall be furnished by the party or parties interested, and who shall return his plat duly certified to the Master or Commissioner issuing the order, on or before a day to be therein fixed by him.

VII. The evidence so taken shall be preserved, and the parties may have the same recorded in the offices of the Register of Mease Conveyances and the Secretary of State, and (if it relates to records of any Court,) in that Court in which the lost or destroyed record which it proposes to prove was made.

VIII. The evidence so taken, perpetuated and recorded, shall be received in all Courts, subject to the same rules, as to competency and credibility, as any other evidence, except as hereinbefore provided.

IX. For performing the duty assigned them, the Attorney-General and Solicitors shall receive twenty dollars for each bill, and the Masters and Commissioners the usual fees for filing the bill and making and publishing the general notice thereof, and the printer the usual fees for printing the same; all of which shall be paid by the State Treasurer on the certificate of any Chancellor. The costs of all other proceedings shall be paid by the parties who seek the relief preferred by the bill, except that in cases in which there is a conflict of interest, the Chancellor shall decide which party shall pay them.

X. The bills shall remain on the docket for five years, unless the General Assembly shall sooner order them stricken off, during all which time all persons may come in and seek the relief intended.

XI. That no law now in force, or which may be passed at this session of the General Assembly, of the character of a stay law or law prohibiting suits in Court, shall be held as applying to or affecting the provisions of this Act: *Provided*, This section shall not be construed to authorize the collection of any debt or money contrary to the provisions of any stay law now in force or hereafter enacted.

XII. Nothing herein contained shall prevent any one from establishing, on the trial of any cause, any lost paper, according to the rules of evidence now existing.

In the Senate House, twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-five.

W. D. PORTER,

President of the Senate.

C. H. SIMONTON,

Speaker of the House of Representatives.

Approved: JAMES L. ORR.

AN ACT TO ESTABLISH THE UNIVERSITY OF SOUTH CAROLINA.

Whereas, The proper education of youth is a matter of vital importance to this State in its present condition, and ought to be the special object of Legislative attention; and

special object of Legislative attention: And whereas, The conversion of the South Carolina College into an University will meet its great demand, and will foster all the elements of intellect and moral power, and will preserve its unity and glory;

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the corporation heretofore created by an Act entitled "An Act to establish a College at Columbia," ratified the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, shall hereafter be known as the University of South Carolina, and as such, shall be entitled to all the rights and be liable to all the duties conferred or imposed upon the said original corporation by the said Act, and all amendments hereto, except where the same shall be modified by the provisions of this Act.

II. That the Board of Trustees of the University of South Carolina shall, as soon as practicable after the ratification of this Act, establish schools and provide for competent Professors in the following departments, to wit: First, a School of Ancient Languages and Literature; second, a School of Modern Languages and Literature; third, a School of History, Political Philosophy and Economy; fourth, a School of Rhetoric, Criticism, Eloquence and English Language and Literature; fifth, a School of Mental and Moral Philosophy, Sacred

Christianity; sixth, a School of Mathematics, Civil and Military Engineering and Construction; seventh, a School of Natural and Mechanical Philosophy and Astronomy; eighth, a School of Chemistry, Pharmacy, Mineralogy and Geology.

III. The Board of Trustees shall take care that one of the Professors therein provided for shall be a Minister of the Gospel, who shall also be charged with the duties of Chaplain to the said University, under such regulations and with such additional salary as may be fixed by the said Board.

IV. That no student shall matriculate until he shall have attained the age of fifteen years, and shall agree to enter at least three of the schools provided for by this Act: *Provided, however*, That in special cases the Chairman of the Faculty may at his discretion, permit an applicant to take less than three schools. The fees to be paid by each student shall be as follows: If the student enters three schools or more, for each school he shall pay twenty-five dollars per annum; if the student enters two schools only, for each school thirty-five dollars per annum; if the student enters only one school fifty dollars per annum. The compensation for room rent, use of Library and such damages to the property of the corporation as may be done by each student, shall be regulated by the Board of Trustees.

V. The Board of Trustees may, if it is deemed proper, give a license to one or more persons learned in the Law and one or more Professors of medicine, to give instruction in their respective professions in the said University, and assign to them or any of them, a Lecture room or Lecture rooms in which at times and under terms and conditions, and with tuition fees prescribed by the said Board they may respectively form classes and deliver instructions in their respective professions; and the same license may, if deemed proper by the said Board be given to a person or persons qualified to instruct in any mechanical or practical pursuit. None of the branches of instruction provided for in this section shall be considered as schools, or included in the number necessary to be taken by any persons before matriculation.

VI. Each Professor hereinafter provided for shall be allowed to occupy a house belonging to the corporation free of rent and be entitled to receive a salary of one thousand dollars to be paid quarterly in advance by the Treasurer of the State and shall be entitled to receive such tuition fees as may be paid by the students entering the school at the head of which such Professor may be.

VII. The Board of Trustees shall appoint a Librarian who shall act as Treasurer of the corporation and Secretary to the Faculty and perform such other duties and receive such salary as the Board of Trustees may prescribe.

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IX. That nine members of the Board of Trustees at any stated or occasional meeting thereof, shall constitute a quorum for the transaction of any business which is intrusted to the said Board; and in case of the absence of the President of the Board at any meeting, the majority of those present, provided there be a quorum may proceed to elect a President pro tempore.

X. That the Members of the General Assembly from each Election District in this State, or a majority of them, are hereby authorized and empowered, from time to time, to select one youth from each of their respective Districts, who shall be received into this University, and be allowed to matriculate in this Institution, and enter any three of the Schools provided for in this Act which may be selected by him, without any charge for tuition, room-rent, or use of the Library; and each Professor herebefore provided for shall be elected upon condition that he will give gratuitous instruction in his School to such of the said youths as may enter his School: *Provided, however*, That no person receiving the benefit of this section shall be exempt from any charge which may be made for damages done by him to the property of the corporation.

XI. That the Board of Trustees may, if deemed advisable, elect a Bursar, who shall hold his office upon such terms and conditions, perform such duties, and be entitled to receive such salary or compensation, as the said Board may prescribe.

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V. The Board of Trustees may, if it is deemed proper, give a license to one or more persons learned in the Law and one or more Professors of medicine, to give instruction in their respective professions in the said University, and assign to them or any of them, a Lecture room or Lecture rooms in which at times and under terms and conditions, and with tuition fees prescribed by the said Board they may respectively form classes and deliver instructions in their respective professions; and the same license may, if deemed proper by the said Board be given to a person or persons qualified to instruct in any mechanical or practical pursuit. None of the branches of instruction provided for in this section shall be considered as schools, or included in the number necessary to be taken by any persons before matriculation.

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special object of Legislative attention: And whereas, The conversion of the South Carolina College into an University will meet its great demand, and will foster all the elements of intellect and moral power, and will preserve its unity and glory;

I. Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same, That the corporation heretofore created by an Act entitled "An Act to establish a College at Columbia," ratified the nineteenth day of December, in the year of our Lord one thousand eight hundred and one, shall hereafter be known as the University of South Carolina, and as such, shall be entitled to all the rights and be liable to all the duties conferred or imposed upon the said original corporation by the said Act, and all amendments hereto, except where the same shall be modified by the provisions of this Act.

II. That the Board of Trustees of the University of South Carolina shall, as soon as practicable after the ratification of this Act, establish schools and provide for competent Professors in the following departments, to wit: First, a School of Ancient Languages and Literature; second, a School of Modern Languages and Literature; third, a School of History, Political Philosophy and Economy; fourth, a School of Rhetoric, Criticism, Eloquence and English Language and Literature; fifth, a School of Mental and Moral Philosophy, Sacred

Christianity; sixth, a School of Mathematics, Civil and Military Engineering and Construction; seventh, a School of Natural and Mechanical Philosophy and Astronomy; eighth, a School of Chemistry, Pharmacy, Mineralogy and Geology.

III. The Board of Trustees shall take care that one of the Professors therein provided for shall be a Minister of the Gospel, who shall also be charged with the duties of Chaplain to the said University, under such regulations and with such additional salary as may be fixed by the said Board.

IV. That no student shall matriculate until he shall have attained the age of fifteen years, and shall agree to enter at least three of the schools provided for by this Act: *Provided, however*, That in special cases the Chairman of the Faculty may at his discretion, permit an applicant to take less than three schools. The fees to be paid by each student shall be as follows: If the student enters three schools or more, for each school he shall pay twenty-five dollars per annum; if the student enters two schools only, for each school thirty-five dollars per annum; if the student enters only one school fifty dollars per annum. The compensation for room rent, use of Library and such damages to the property of the corporation as may be done by each student, shall be regulated by the Board of Trustees.

V. The Board of Trustees may, if it is deemed proper, give a license to one or more persons learned in the Law and one or more Professors of medicine, to give instruction in their respective professions in the said University, and assign to them or any of them, a Lecture room or Lecture rooms in which at times and under terms and conditions, and with tuition fees prescribed by the said Board they may respectively form classes and deliver instructions in their respective professions; and the same license may, if deemed proper by the said Board be given to a person or persons qualified to instruct in any mechanical or practical pursuit. None of the branches of instruction provided for in this section shall be considered as schools, or included in the number necessary to be taken by any persons before matriculation.

VI. Each Professor hereinafter provided for shall be allowed to occupy a house belonging to the corporation free of rent and be entitled to receive a salary of one thousand dollars to be paid quarterly in advance by the Treasurer of the State and shall be entitled to receive such tuition fees as may be paid by the students entering the school at the head of which such Professor may be.

VII. The Board of Trustees shall appoint a